

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

WALTER ANTHONY DeSHAZO

PLAINTIFF

v.

Civil No. 06-4027

JOHN PARTAIN, Sheriff, Servier County,
Arkansas; RICHARD W. WIGGINS; and
CHRIS BRACKETT

DEFENDANTS

MEMORANDUM OPINION

Walter DeShazo brings this pro se civil rights action pursuant to 42 U.S.C. § 1983. His complaint was filed in forma pauperis (IFP) and it is now determined whether it should be served upon the defendants. Also before this court is plaintiff's motion to amend his complaint. (Doc. 8).

I. Discussion

DeShazo contends that Officer R. W. Wiggins, along with Deputies Chad Dowdle and Mike Wilson, seized a computer owned by DeShazo from the residence of Mac and Mary Lambeth on or about March 13, 2003. (Doc. 1, 7). Further, he also alleges that these officers violated his due process rights by destroying the hard drive of said computer, causing the loss of all valuable information contained on the computer's hard drive. (Doc. 1, 7).

DeShazo's claims are barred by the statute of limitations as they are based on events that occurred more than three years before the filing of this complaint. Section 1983 actions are characterized as personal injury claims for purposes of applying the appropriate state statute of limitations. *Wilson v. Garcia*, 471 U.S. 261, 276, 105 S. Ct. 1938, 85 L. Ed. 2d 254 (1985). Arkansas' three-year personal injury statute applies to any § 1983 actions that accrued in this state. *Searcy v. Donelson*, 204 F.3d 797, 799 (8th Cir. 2000); *Ketchum v. City of West Memphis*, 974 F.2d

81, 82 (8th Cir. 1992). This case was filed on April 11, 2006. (Doc. 1). The alleged actions the subject of this suit occurred on or about March 13, 2003, more than three years prior to the filing of the complaint.

II. Conclusion

Accordingly, this case is hereby dismissed as it is barred by the statute of limitations. As such, plaintiff's motion to amend his complaint is also denied. (Doc. 8).

DATED this 15th day of November 2006.

/s/ Harry F. Barnes
HONORABLE HARRY F. BARNES
UNITED STATES DISTRICT JUDGE